

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:21-CV-305

TAQI EYR HHAMUL HESED EL,
a/k/a "Bro. T. Hesed-El",

Plaintiff,

v.

ROBIN BRYSON and MISSION
HOSPITAL, INC.

Defendants.

**REPORT ON STATUS OF
MEDIATOR DESIGNATION**

The undersigned counsel for the Defendants reports, pursuant to the requirements of Section IV(c) of the Pretrial Order and Case Management Plan ("Pretrial Order") [Doc. 135], that the parties have been unable to agree upon a mediator.

On Monday, October 30, 2023, defense counsel communicated via emailed letter with Plaintiff on five issues. (A copy of the letter is available upon request, but is not attached as it also concerns issues unrelated to this report). The third issue was a reminder that November 6, 2023 is the deadline for mediator selection, and a recommendation to utilize mediator Frank Goldsmith, as he had conducted the April 27, 2023 mediation between the parties.

Later that day Plaintiff responded in an email, stating he would "need some assurances that we're not wasting our time before agreeing to pay the mediator's fee again." (The series of emails is attached as one document labeled Exhibit 1).

On Thursday, November 2, 2023, the undersigned replied to Plaintiff, stating that mediation was ordered in the Pretrial Order and Case Management Plan, and “[t]o the extent that you wish to avoid unnecessary time expenditures and costs, Mr. Goldsmith is likely the best option, because his familiarity with this matter should result in a shorter mediation.” (See Exhibit 1).

Today, November 6, 2023, defense counsel again emailed Plaintiff, requesting he consent to the proposed designation of mediator or otherwise respond. The email noted that pursuant to the requirements of the Pretrial Order, in the event that the parties cannot agree to a mediator, they are required to file a Report explaining the lack of designation. The email also included a copy of this report as an attachment. (See Exhibit 1).

Plaintiff has not responded or otherwise communicated with the undersigned counsel, and as that there is no consent between the parties regarding mediator designation, the undersigned counsel files this report in conformity with the Pretrial Order.

Respectfully submitted this 6th day of November, 2023.

Attorneys for Defendants

/s/Phillip T. Jackson

Phillip T. Jackson

N.C. Bar No. 21134

/s/Daniel H. Walsh

Daniel H. Walsh

N.C. Bar No. 57543

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon the all parties in the above entitled action via CM/ECF filing and by depositing a copy, contained in a first-class postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

Bro. T. Hesed-El
c/o Taqi El Agabey Mgmt.
30 North Gould Street, Suite R
Sheridan, WY 82801

This 6th day of November, 2023.

By: /s/Daniel H. Walsh
Daniel H. Walsh